

REMARKS/ARGUMENTS

Reconsideration of the present application, as amended, is respectfully requested.

A. STATUS OF THE CLAIMS

Claims 1-24 are again presented in the case for continued prosecution.

B. PROVISIONAL DOUBLE PATENTING REJECTION

In response to the provisional double patent rejection made in view of commonly-assigned USSN 10/078,730, the Assignee of the entire interest submits herewith a terminal disclaimer with the required fee. It is urged that the rejection be removed.

C. DOUBLE PATENTING REJECTIONS**1. Commonly-Assigned U.S. Patent Nos. 6,180,095, 6,303,569**

The Assignee of the entire interest submits herewith terminal disclaimers with the required fees. It is urged that the obviousness double patenting rejections be removed.

2. Common Ownership

Without admitting or denying that either of these patents constitute a valid reference under 35 USC §102 and/or §103, Applicants provide herewith a copy of the Assignments which were recorded in the USPTO for the present application and U.S. Patent Nos. 6,180,095, 6,303,569.

3. Commonly-Assigned U.S. Patent Nos. 6,638,499, 6,395,166 and 6,152,655

The Assignee of the entire interest submits herewith terminal disclaimers with the required fees. It is urged that the obviousness double patenting rejections be removed.

4. Common Ownership

Without admitting or denying that any of these patents constitute a valid reference under 35 USC §102 and/or §103, Applicants also provide herewith a copy of the Assignments which were recorded in the USPTO for the present application and U.S. Patent Nos. 6,638,499,

6,395,266. and 6,153,655

D. FEES

This response is being filed with a Petition for a One Month Extension of Time and required fee. No further fee is believed to be due. If, on the other hand, it is determined that any further fees are due or any overpayment has been made, the Assistant Commissioner is hereby authorized to debit or credit such sum to deposit account 02-2275. Pursuant to 37 C.F.R.

1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

F. CONCLUSION

In view of the actions taken and arguments presented, it is respectfully submitted that each and every one of the matters raised by the Examiner have been addressed by the present amendment and that the present application is now in condition for allowance.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

MUSERLIAN, LUCAS & MERCANTI, L.L.P.

By: 

Michael N. Mercanti
Reg. No. 33,961

MUSERLIAN, LUCAS & MERCANTI, L.L.P.
475 Park Avenue South
New York, New York 10016
Phone: 212-661-8000
Fax: 212-661-8002

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Response is being facsimile transmitted to the Commissioner for Patents on the date shown below.

June 11, 2004

MUSERLIAN, LUCAS & MERCANTI, L.L.P.

BY: 

Michael N. Mercanti